



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
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STAFF REPORT

File Number	PL 13-073		Contact	Steven Robertson	
Application Type	Variance		Planning Commission Date	June 11, 2013	
Deadline for Action	Application Date	May 7, 2013	60 Days	July 6, 2013	
	Date Extension Letter Mailed	May 21, 2013	120 Days	September 4, 2013	
Location of Subject	140 W Kent Road				
Applicant	Richard and Carol Colburn		Contact	319 883 0636	
Agent	Stephen Walker		Contact	218 391 9634	
Legal Description	010-1380-01840				
Site Visit Date	June 3, 2013		Sign Notice Date	May 28, 2013	
Neighbor Letter Date	May 23, 2013		Number of Letters Sent	62	

Proposal

A variance on front side set back of 9'8" instead of 15', to be used as extra living space. According to the applicant, "there is a basement bump out on this site of the house that is presently a tuck under garage. We would like to extend this 12' and make it living space and add an exterior stairway".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Minimum depth of front side yard on corner lot: 15 ft.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M . . .

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

1-7

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

-Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicants would like to remodel their existing tuck-under garage on their home (add approximately 132 square feet to the structure). The existing structure is about 10 feet from the lot line, where the code requires 15 feet for side lot lines on corner lots. The proposed expansion would not come any closer to the setback than the current structure.
- 2) The home was built prior to the adoption of the city zoning (1924). Because the lot is a corner lot, the western 15 feet (or 25% of the lot width) is within the corner side yard setback.
- 3) The proposed project would allow the applicant to correct a flaw with the structure (water infiltration).
- 4) The need for relief is not due to circumstances created by the homeowner, as this house, was built prior to the zoning setbacks.
- 5) The proposed addition allows the property to be used in a reasonable manner, and continued use of this property as a single-family home is consistent with the Comprehensive Land Use Plan.
- 6) The proposed addition will not impair supply of light or air to adjacent properties, or increase congestion on public streets, or diminish property values. It will not alter the essential character of the surrounding area.
- 7) No City, public, or agency comments were received.
- 8) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the standard for variance has been met and, therefore, recommends the Planning Commission approve the requested variance, subject to the following conditions:

- 1) Applicant construct the project in accordance with project area identified on the certificate of survey submitted by Ronald Krueger of ALTA Survey Company, dated May 7, 2013.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

I-2

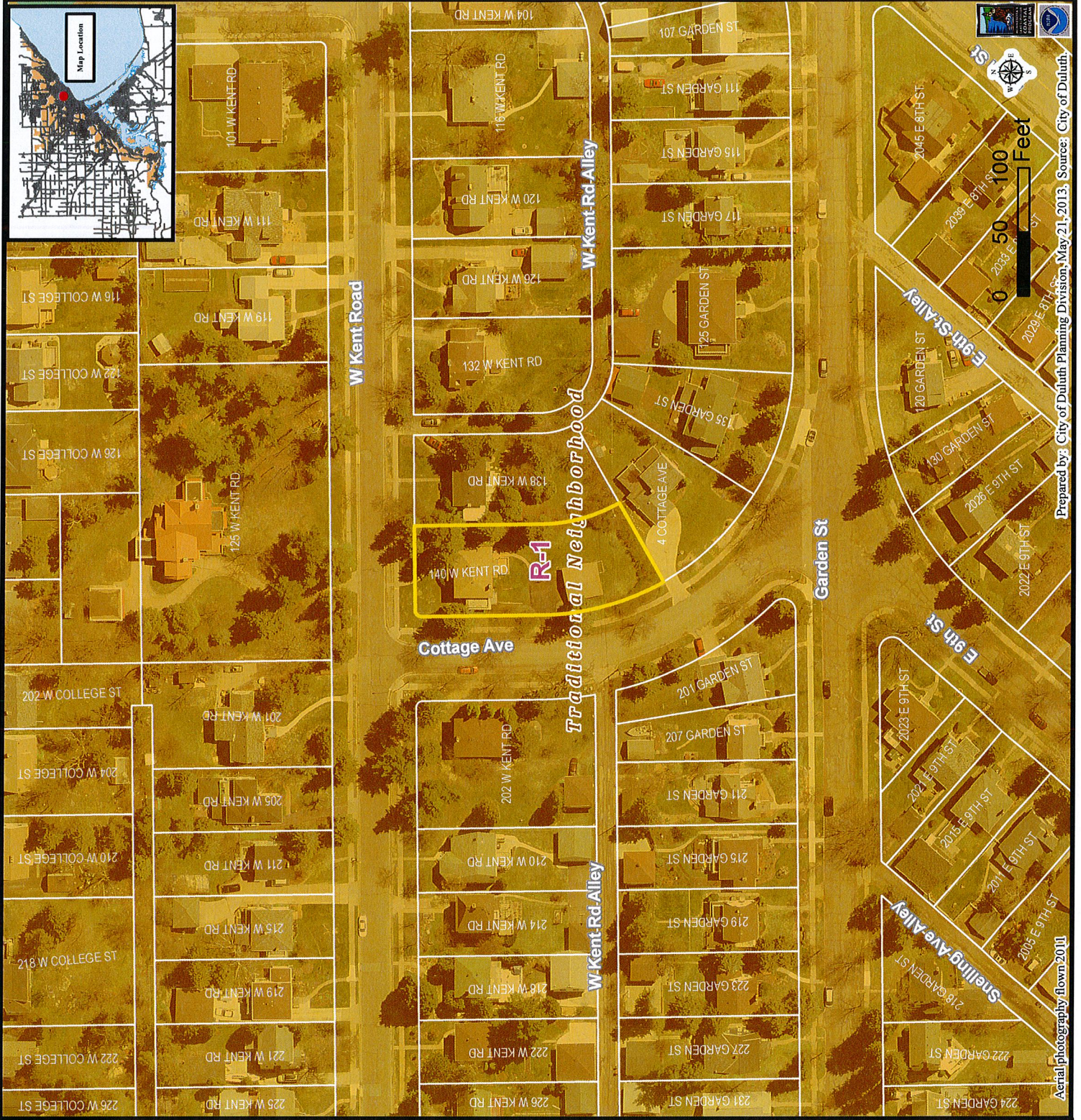


City Planning

PL 13-073

Variance

140 W Kent Road

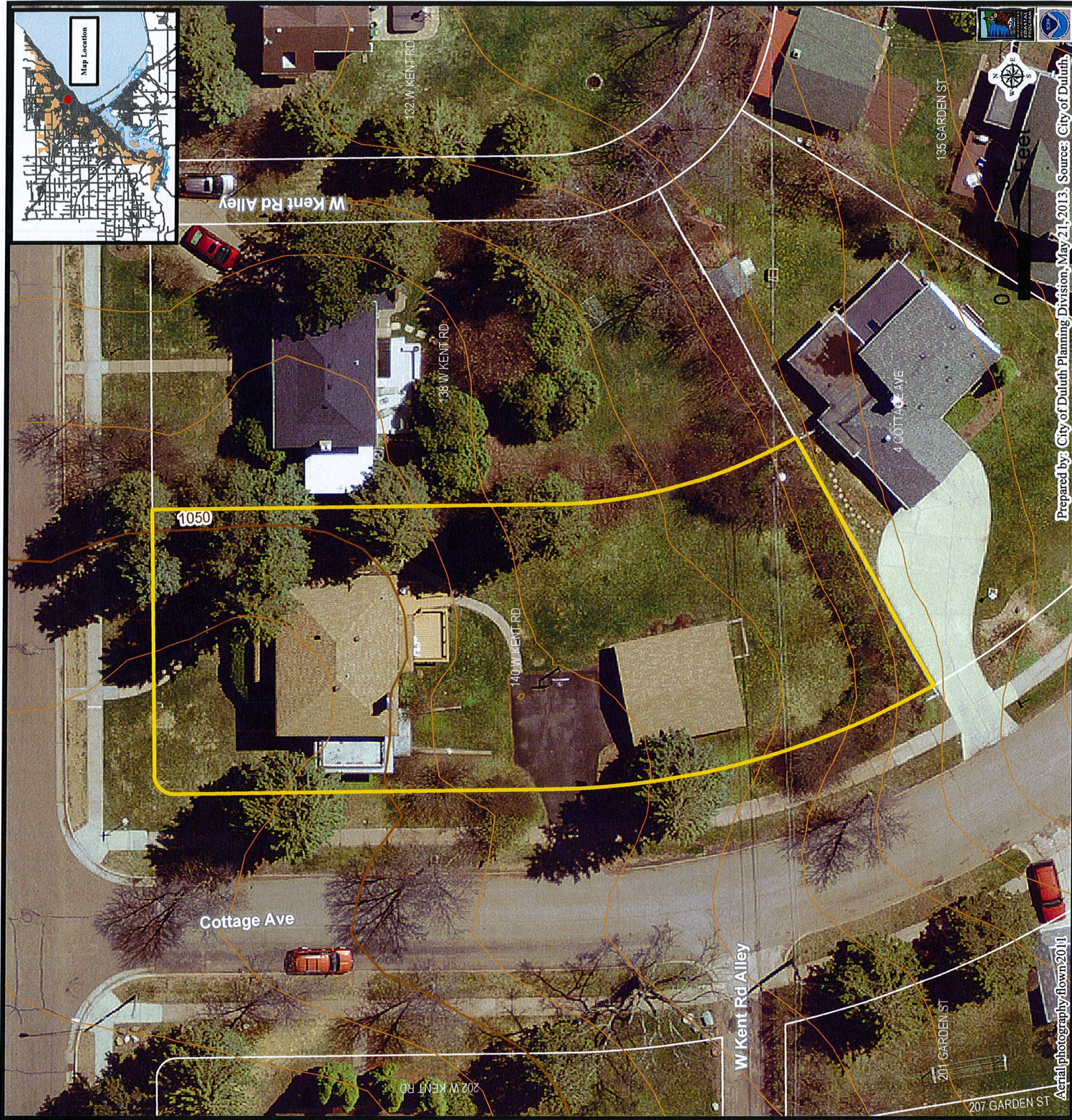


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for damages in connection with the use of this information contained within.

F-3



City Planning
PL 13-073
Variance
140 W Kent Road



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T-4

Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, May 21, 2013, Source: City of Duluth



T-5

Request for a variance at 140 West Kent Road, Duluth, MN.
Richard and Carol Colburn

We are requesting a variance in order to add a 12' addition to the existing tuckunder garage. The addition will provide additional dry and heated living space as well as remedy the aesthetic and utilitarian problems of the garage.

Evidence that the requested variance will not have a negative impact.

The house was built in the 1920s before the current UDC. It is not in compliance. The setback is 9' 1" rather than the required 15'. The proposed addition will have a setback of 9' 8". The addition will maintain the existing western profile of the garage preserving the present distance from the house to the sidewalk and to Cottage Avenue. As a result there will be no negative impact.

Statement of need establishing practical difficulty or hardship.

When we purchased the house in August of last year our intention was to make significant improvements to the house. The primary one was the renovation of the garage.

The most practical location for the proposed addition is at the southern end of the present tuckunder garage. In that location the addition will be aesthetically integrated with the house. It will also function as contiguous living space in that location. There is no other equally practical location for an addition.

Not only will the addition provide usable living space it will remedy the problem of the garage being a damp space prone to water infiltration and therefore only marginally useful.

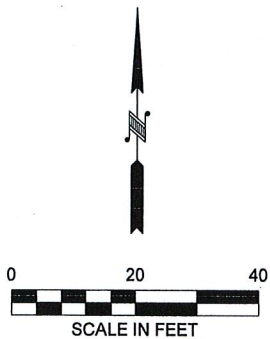
The present south wall of the garage is an eyesore. That wall will be replaced with an aesthetically integrated 12' addition. The two retaining walls adjacent to the south wall are in very poor condition. The proposed addition will necessitate removal of them. These changes will substantially improve the appearance of the house.

There will be no impact on the supply of light to adjacent houses nor will there be any increase in congestion of the public streets. There will be no signage associated with this project.

The variance will allow us to gain additional living space as well as improve the appearance and increase the value of our home.

T-6

CERTIFICATE OF SURVEY
FOR: RICHARD COLBURN



LEGEND

These standard symbols will be found in the drawing.



CONCRETE



BITUMINOUS

- SET REBAR RLS 14374
 ◎ SET MAG NAIL
 RET WALL

LEGAL DESCRIPTION PER CLIENT

The Westerly 71.0 feet of Lot 1, 2, 3 & 4, Block 19,
EAST LAWN DIVISION OF DULUTH, according to the
recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 5-7-13

Ronald L. Krueger MN License No. 14374

NOTES

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE
MERCATOR COORDINATE SYSTEM OF 1996.

**BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL
PLACEMENT OF STRUCTURE ONLY.**

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

DATE: 5-7-13
SCALE: 1 IN = 20 FEET
PROP ADD: 140 W KENT ROAD
PROJECT NO: 13-051

ALTA
SURVEY COMPANY, INC.
 Residential/Commercial Land Surveying-Land
 Development-Legal Descriptions
 P.O. BOX 161138 Duluth, MN 55806
 Phone: 218-727-5211 Fax: 218-727-3798

RECEIVED MAY 07 2013

7-17